

City of Salem, Massachusetts



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City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted Committee of the Whole

met in the Council Chamber on August 11, 2026 at 7:00 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on

July 29, 2026 at 8:20 A.M.

(This meeting is being recorded)

ATTENDANCE

OLLA – Varela (chair), Hapworth, Smith and Holappa. **COW** – Flynn, King, and Sydoriak. **From the city** – Lisa Peterson, Chief of Staff, James Wellock, City Solicitor, David Greenbaum, Health Agent, Tom Daniel, Director of Planning & Community Development and Stavroula Orfanos, Building Commissioner.

ABSENT WERE: **OLLA** –Prosniowski. **COW** – Davis, Merkl and Turowski.

#46 of 2025 Draft Home Occupation Zoning Ordinance

Varela – This is the second meeting this year on home occupation with a discussion of the draft ordinance. He explained that Salem’s current home-occupation rules are highly restrictive, particularly because they do not allow residents to commercially create products or conduct certain businesses from their homes. Other Massachusetts communities have adopted more flexible rules, and the goal is to determine whether Salem can similarly allow reasonable home-based activities.

It was emphasized that the ordinance should provide clear, reasonable uses that residents can undertake by right, rather than forcing them through the Zoning Board of Appeals (ZBA). The ZBA process can be costly and burdensome and may create a significant barrier for economically disadvantaged residents. Uses that genuinely require additional oversight could still require a special permit, but ordinary and reasonable home occupations should not.

There was a previous case involving a licensed therapist who wanted to operate a small office from her home, allowing clients to visit on a part-time basis. The situation became highly contentious and political, despite his view that the proposed use was reasonable. The example was presented as evidence that Salem needs clearer rules so that appropriate home occupations can be permitted without unnecessary neighborhood conflict or an onerous approval process.

The immediate goal was to review the draft language with the city solicitor, chief of staff, and department heads, determine where the ordinance should go, and ultimately bring the proposal before the Planning Board. The broader objective is to give residents clearer guidance about what they can reasonably do in their homes while making it easier for residents to remain in Salem and pursue small-scale economic opportunities from home.

Peterson - Mayor Pangallo, though unable to attend, expressed support for the proposal and appreciation for bringing it forward. He recognizes that people have long worked from their homes and wants the city to establish clear, reasonable pathways for home occupations to operate as acceptable uses.

Wellock – He supports the concept of making Salem’s home-occupation rules more flexible but expressed concerns that the proposed draft may be too detailed and difficult to administer and enforce. He recommended first identifying what problems exist with the current ordinance rather than adding numerous definitions, professions, and restrictions. He suggested a simpler approach to define “home occupation” broadly and make it a by-right use in appropriate zoning districts, rather than relying on a long, non-exhaustive list of occupations that could create ambiguity.

Wellock also questioned several proposed restrictions and whether they address actual problems. For example, he questioned the practicality of enforcing a 7 p.m. cutoff, particularly for people working remotely, and suggested restrictions should be tied to specific concerns such as noise or traffic. He also questioned a prohibition on structural changes to a home, noting that someone operating a small business within the permitted portion of their property might reasonably need to expand or modify their space. He cautioned against creating rules that would unnecessarily put the Building Department in the position of denying otherwise appropriate projects.

Overall, Wellock recommended starting with the existing ordinance, identifying the specific problems that need to be solved, and then making targeted, simple changes. He welcomed input from the Building Commissioner and Health Agent, who regularly encounter home-occupation issues, and said he looked forward to working on a revised draft.

Green – How does the letting of rooms and lodging affect the short-term rentals since we already have a short-term rental ordinance?

Daniel – He supported the goal of making Salem’s home-occupation rules clearer and easier for residents to understand and agreed with the City Solicitor’s recommendation to establish a clear definition of “home occupation.” He also suggested adding a purpose statement explaining the intent behind the ordinance, which could help future officials and residents understand why the rules were adopted.

He raised several questions for the committee to consider as the draft is revised. These included why home occupations would require a special permit in the Business Park Development district but not elsewhere, whether the 25% space limitation should have an additional cap for larger accessory structures, and how the ordinance should define “immediate family” when limiting employees. He also questioned whether the employee rule should focus on family members or residents of the dwelling.

Additional issues included whether to allow on-site sales, whether exterior storage should be permitted and count toward the space limitation, and whether exterior storage should have screening requirements. Daniel also noted questions about client visits, operating hours, business certificates, and how existing regulations, such as those governing commercial vehicles, should be incorporated or referenced without unnecessarily duplicating other city rules.

Finally, he raised questions about signage, particularly in multifamily buildings where more than one unit has a home occupation. Overall, the comments were intended to identify details for further discussion and refinement rather than request immediate decisions on each issue.

Discussion –

A major discussion was about finding the right balance between allowing reasonable home-based economic activity and preventing neighborhood impacts. Examples discussed as potentially appropriate included professional offices, therapists, photographers, tutors, crafts sold online, and certain cottage-food businesses. Members generally agreed that activities such as automotive businesses, restaurants, or uses involving hazardous materials should not automatically qualify as home occupations. There was also discussion of limiting customer visits or deliveries rather than restricting the hours when a person could work from home. Several members expressed concern that overly broad nuisance provisions could create opportunities for disputes between neighbors and make enforcement subjective.

The committee also discussed cottage-food operations and other businesses subject to separate health and safety regulations. The Health Agent Green explained that residential food businesses are already subject to state and local food-code requirements, including restrictions on what can be prepared in a residential kitchen. Members generally agreed that the Home Occupation Ordinance should not duplicate regulations that already exist elsewhere, but there was interest in clearly directing residents to the appropriate health requirements.

Another major issue was whether home occupations should be allowed entirely by right or require some form of registration or review. Some councilors argued that reasonable, low-impact businesses should be allowed by right, so residents do not have to go through a potentially costly and adversarial Zoning Board of Appeals process. Others, including the Building Commissioner, expressed concern that completely eliminating review could allow inappropriate or unsafe activities to operate without the city knowing about them. A possible compromise discussed was a simple registration or business certificate process, rather than a full special-permit process. This could give the city information about businesses operating in homes while avoiding a major barrier to entry.

Councillors also discussed whether the ordinance should retain a list of prohibited uses rather than a lengthy list of permitted occupations. There was concern that a list of permitted uses would quickly become outdated as new types of businesses emerge. The City Solicitor favored defining the characteristics of an acceptable home occupation and potentially identifying certain clearly prohibited activities. The committee also discussed the possibility of creating two categories, such as minor and major home occupations, with low impact uses allowed by right and other uses remaining subject to special review.

Several additional issues were identified for further drafting, including the 25% floor-area limitation, number of employees, operating or customer-visit hours, parking and traffic, exterior storage, on-site sales, signage, commercial vehicles, and the treatment of accessory structures. Members agreed that the ordinance should be simplified and should avoid duplicating provisions already contained elsewhere in the zoning code.

The committee ultimately agreed that more work was needed before the ordinance could proceed to a joint public hearing. Members wanted city staff and the City Solicitor to work together on revised language and resolve the remaining questions about definitions, enforcement, registration, permitted and prohibited uses, and neighborhood protections.

Vote

Smith motioned that this remains in committee and Hapworth seconded the motion. The motion carried 4-0.

On the motion of C. Smith, the meeting adjourned at 7:20 P.M.

Andrew Varela

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(Chairperson)